

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTELLIVISION, a Joint Venture,
BRUCE ADAMS, JOHN DANIELS, and
PAUL HOFFMAN,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

ECF CASE

Civil Action No.
07-CV-4079(JGK)(MHD)

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**NOTICE OF APPEAL AND
MOTION FOR EXTENSION OF TIME**

Notice is hereby given that plaintiffs, Intellivision, John Daniels, Bruce Adams and Paul Hoffman, hereby appeal to the United States Court of Appeals for the Second Circuit from the Judgment entered March 25, 2011 pursuant to the Opinion and Order of Hon. John G. Koeltl, entered March 23, 2011, granting defendant Microsoft Corporation's motion for summary judgment, denying plaintiffs' motion for leave to supplement the summary judgment record as moot, and directing the Clerk to enter Judgment dismissing the Second Amended Complaint and to close this case.

This notice of appeal is believed to be timely filed, in that it is being filed within thirty (30) days after the March 23, 2011 entry date of the aforementioned Opinion and Order and the March 25, 2011 entry date of the aforementioned Judgment. However, in the event that this form was not received in the Clerk's office within the required time, plaintiffs respectfully request the Court to grant an extension of time in accordance with Fed. R. App. P. 4(a)(5).

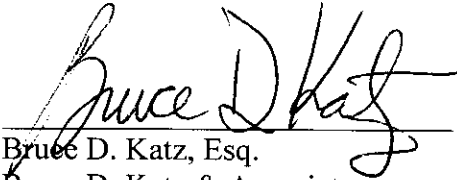
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In support of this request, plaintiffs state that this Court's Judgment was received by plaintiffs' undersigned counsel by ECF notification on March 25, 2011, along with instructions from the Clerk of the Court advising of plaintiffs' right to appeal and instructing that a notice of appeal must be filed within 30 days of the date of entry of the judgment. On that date, the undersigned counsel docketed the filing deadline as April 25, 2011 – which is the first business day falling thirty (30) days after the March 25, 2011 entry date of the Judgment. This notice is being filed in advance of the docketed deadline. An extension of time is requested in the event the deadline was erroneously docketed as a result of excusable neglect.

Respectfully submitted,

Dated: April 22, 2011


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